REMARKS

Claim 1 has been amended to correct a typographical error as well as to reflect in method claim 1 terminology defined in claim 1 of US 6,688,476, as to which a terminal disclaimer has been filed. In particular, as amended, claim 1 defines "applying radio frequency heating and pressure to form a peripheral seal that joins the first and second filter housing elements directly to the filter media" (reflecting terminology in claim 1 of US 6,888,476), and encapsulates (correcting a typographical error) the filter media between the first and second housing elements.

Claims 1 and 2 remain in the application. Of these, claim 1 is the sole independent method claim.

Claims 1 and 2 as filed stand rejected under 35 U.S.C. § 103 based upon Fisher et al. (US 5,507,904) in view of Jensen et al. (US 4,857,129). The Examiner acknowledges that Fisher does not disclose the application of radio frequency heating and pressure to from a peripheral seal. However, the Examiner believes it would have been obvious to modify Fisher in view of Jensen. It is noted that both Fisher and Jensen are of record in US 6,688,476.

Applicant respectfully traverses the rejections.

The prior art does not teach or suggest a method of making a blood filter assembly by providing first and second flexible housings elements from a flexible thermoplastic material, each including a molded port; placing a filter media between the filter housing elements; and applying radio frequency heating and sealing to form a peripheral seal that joins the filter housing elements directly to the filter media and encapsulates the filter media between the first and second housing elements..

In Fisher, the port is not molded. Rather, it is a tube placed through a slit cut in a plastic sheet. Furthermore, while Fisher purposely selects radio frequency to "soften the thermoplastic material" of the tube and plastic sheet for the purpose of forming the port, Fisher teaches only the use of "heat sealing" to form the peripheral seal between the filter housings and the filter material. In light of a specific teaching in Fisher central to his invention -- that the port tube is connected to the housing element by the application of radio frequency -- the companion unspecific teaching – a mention of only "heat and pressure" to form a peripheral seal between the housing and the filter material -- does not fairly support an interpretation that "heat and pressure" incorporates the use of

radio frequency energy for this purpose. When fairly read – i.e., in the absence of hindsight -- Fisher teaches away from the use of radio frequency heat and pressure to form a peripheral seal between flexible filter housing elements and a filter material.

Furthermore, nothing in Jensen teaches or suggests the encapsulation and direct joining of a filter material between two flexible housing elements having molded ports by applying radio frequency heating and pressure. And, there is nothing that would justify the incorporation of a teaching that is not taught or suggested by Jensen into Fisher's disclosure, which teaches away from the proffered combination in the first place.

For these reasons, applicant respectfully requests the Examiner to reconsider and withdraw his rejections. Claims 1 and 2 are believed to be in condition for allowance.

Respectfully Submitted,

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